

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of San Diego Gas & Electric Company (U902E) for Authority to Update Marginal Costs, Cost Allocation, and Electric Rate Design.

Application 11-10-002
(Filed October 3, 2011)

DECISION AWARDING INTERVENOR COMPENSATION TO THE GREENLINING INSTITUTE FOR SUBSTANTIAL CONTRIBUTION TO D.14-01-002

Claimant: The Greenlining Institute ("Greenlining")	For contribution to Decision (D.) 14-01-002
Claimed: \$40,259	Awarded: \$40,109.63
Assigned Commissioner: Michael Picker	Assigned ALJs: Yip-Kikugawa and Roscow

PART I: PROCEDURAL ISSUES

A. Brief Description of Decision:	This decision addresses the application of San Diego Gas and Electric Company (SDG&E) to establish marginal costs, allocate revenues, and design rates for service provided to its customers. Among other issues, it addresses SDG&E's requests for changes to the design of residential rates, denying all such requests without prejudice.
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B. Claimant must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:

	Claimant	CPUC Verified
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	Dec. 9, 2011	Yes.
2. Other Specified Date for NOI:	N/A	N/A.
3. Date NOI Filed:	Jan. 6, 2012	Yes.
4. Was the NOI timely filed?		Yes, the Greenlining Institute(Greenlining) timely filed the NOI to claim intervenor compensation.
Showing of customer or customer-related status (§ 1802(b)):		
5. Based on Administrative Law Judge (ALJ) ruling issued in proceeding number:	R.10-02-005	Yes.
6. Date of ALJ ruling:	June 3, 2011	March 29, 2010
7. Based on another California Public Utilities Commission (Commission) determination (specify):		
8. Has the Claimant demonstrated customer or customer-related status?		Yes, the Greenlining Institute has demonstrated appropriate “customer” status under Section 1802(b).
Showing of “significant financial hardship” (§ 1802(g)):		
9. Based on ALJ ruling issued in proceeding number:	R.09-08-009	Yes.
10. Date of ALJ ruling:	Jan. 10, 2011	Yes.
11. Based on another Commission		

determination (specify):		
12. Has the Claimant demonstrated significant financial hardship?		Yes.
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.14-01-002	Yes.
14. Date of Issuance of Final Order or Decision:	Jan. 23, 2014	Yes.
15. File date of compensation request:	March 24, 2013	March 24, 2014.
16. Was the request for compensation timely?		Yes.

C. Additional Comments on Part I:

#	Intervenor's Comment(s)	CPUC Discussion
9	<p>Greenlining seeks a showing of significant financial hardship a (§ 1802(g)).</p> <p>Greenlining is an organization authorized in its Articles of Incorporation to represent the interests of both residential and small commercial electric and gas customers, with particular focus on low-income and of-color communities and customers. A copy of Greenlining's Articles of Incorporation was previously filed with the Commission in R.10-02-005 (as an attachment to our NOI, filed March 5, 2010). As such, Greenlining is a Category 3 customer as defined in D.98-04-059.</p> <p>As a Category 3 customer, Greenlining must satisfy the</p>	<p>Yes, Greenlining has demonstrated a significant financial hardship. In addition, as shown above, the Commission made a finding of significant financial hardship on January 10, 2011, in proceeding R.09-08-009. This Ruling issued within a year of the commencement of this proceeding, thus creating a rebuttable presumption of hardship. <i>See</i> Pub. Util. Code § 1804(b)(1).</p>

	<p>“comparison test” by demonstrating that the economic interest of its members and constituencies in the instant proceeding is small relative to the cost of effective participation in the proceeding. Greenlining submits that it satisfies this test.</p> <p>In the instant proceeding, the benefits that will accrue to most individual customers whose interests Greenlining represents will likely be several dollars of monthly bill savings (resulting from energy management imparted by marketing, education and outreach), which will add up to hundreds of dollars in savings over time. Across these customer groups as a whole and over time, the savings will be substantial, making the cost of Greenlining’s participation reasonable. However, were an individual customer to consider representing himself in this proceeding, he would find that the cost of doing so vastly outweighed the benefits he alone would accrue, especially assuming a lack of procedural expertise.</p> <p>Because the cost of participation exceeds the financial benefit to be reaped by individual customers, Greenlining satisfies the “comparison test” as described above. In satisfying this test, Greenlining submits that it has</p>	
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	successfully demonstrated significant financial hardship as appropriate for a Category 3 customer.	
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PART II: SUBSTANTIAL CONTRIBUTION**A. Description of Claimant's contribution to the final decision (see § 1802(i), § 1803(a) & D.98-04-059).**

Intervenor's Claimed Contribution	Specific References to Claimant's Presentations and to Decision	Showing Accepted by CPUC
<p>1. Basic Service Fee (BSF) Greenlining urged rejection of SDG&E's proposal to introduction a fixed charge on all customers--the BSF.</p> <p>Greenlining opposed the BSF on policy grounds, because it raised bills disproportionately on the customers with the lowest usage.</p> <p>D.14-01-002 denied the BSF proposal without prejudice, noting that California law has changed since the application was filed. The decision also viewed R.12-06-013 as a more appropriate forum, as this policy rulemaking allows for consideration of fixed charges in a comprehensive manner,</p>	<p><i>See</i> Protest of the Greenlining Institute, filed Nov. 7, 2011 ("Greenlining Protest"), at 1-3; Prepared Testimony of Enrique Gallardo, served June 12, 2012 ("Greenlining Testimony"), at 2-8; Opening Brief of the Greenlining/CforAT, filed November 16, 2012 ("GreenliningInstitute/CforAT Brief"), at 2-10; Reply Brief of the Greenlining Institute/CforAT, filed December 14, 2012 ("Greenlining/CforAT Reply Brief"), at 3-5.</p> <p><i>See</i> D.14-01-002, at 40-41; <i>see also</i> Conclusions of Law 9, 10.</p>	Yes.

rather than on a utility-by-utility basis.		
<p>2. Tier Consolidation - Greenlining urged rejection of SDG&E's proposal to consolidate Tiers 3 and 4.</p> <p>Greenlining opposed the tier consolidation proposal because it contradicts Commission precedent and it would adversely impact customers with moderate energy use.</p> <p>D.14-01-002 denied the tier consolidation proposal without prejudice, noting California law has changed since the application was filed. The decision viewed R.12-06-013 as a more appropriate forum to consider all of SDG&E's proposals together.</p>	<p><i>See Greenlining Testimony, at 8-9; Greenlining/CforAT Brief, at 10-11; Greenlining/CforAT Reply Brief, at 5-9.</i></p> <p><i>See D.14-01-002, at 41-42 for a description of Greenlining's position.</i></p> <p><i>See D.14-01-002, at 42-43; see also Conclusion of Law 13.</i></p>	Yes.

<p>3. Cap on CARE Tier 3 - Greenlining urged rejection of SDG&E's proposal to remove the cap on its CARE Tier 3 rate.</p> <p>Greenlining opposed the removal of the cap on the CARE Tier 3 rate as the need for it was not supported and because it would in the future result in exceedingly raised bills on CARE customers with moderate energy use.</p> <p>D.14-01-002 denied the proposal to remove the CARE Tier 3 rate cap without prejudice, noting California law has changed since the application was filed. The decision viewed R.12-06-013 as a more appropriate forum.</p>	<p><i>See</i> Greenlining Testimony, at 9; Greenlining/CforAT Brief, at 11-13; Greenlining/CforAT Reply Brief, at 9.</p> <p><i>See</i> D.14-01-002, at 44-45 for description of Greenlining position.</p> <p><i>See</i> D.14-01-002, at 45; <i>see also</i> D.14-01-002, Conclusion of Law 14.</p>	<p>Yes.</p>
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<p>4. Prepaid Service – Greenlining worked in conjunction with other consumer groups to oppose SDG&E's proposal to offer prepaid service as a pilot.</p> <p>Consumer Groups' opposition demonstrated that the prepaid option did not provide many consumer protections that were required by law. Consumer Groups' also demonstrated that the notice given to prepaid customers prior to disconnection was inadequate.</p> <p>D.14-01-002 found that SDG&E's prepaid service would require customers to inappropriately waive their rights to notice of disconnection.</p> <p>D.14-01-002 did not approve the prepaid proposal.</p>	<p><i>See</i> Protest, at 4-5; <i>see also</i> Consumer Groups' filings that Greenlining joined: Prepared Direct Testimony of John Howat, filed June 12, 2012; Opening Brief of The Utility Reform Network (TURN), National Consumer Law Center, Inc. (NCLC), CforAT and Greenlining on SDG&E's Proposal for a New Residential Prepay Program, filed November 16, 2012; Reply Brief of TURN, NCLC, CforAT and Greenlining on SDG&E's Proposal for a New Residential Prepay Program, filed December 14, 2012.</p> <p><i>See</i> D.14-01-002, at 52 for description of Consumer Groups' position.</p> <p><i>See</i> D.14-01-002, at 54; <i>see also</i> D.14-01-002, Conclusion of Law 19-22.</p>	<p>Yes.</p>
<p>5. CARE Allocation – Greenlining opposed the Proposed Decision's treatment of the CARE cost allocation</p> <p>Greenlining demonstrated that the relevant statutes required that <i>all</i> CARE</p>	<p><i>See</i> Greenlining/CforAT Reply Brief, at 9-10; Comments of the CforAT and the Greenlining on the Proposed Decision, filed December 10, 2013 ("CforAT/Greenlining Comments on PD"), at 5-10.</p>	<p>Yes.</p>

costs be allocated across all customer classes (the Proposed Decision allocated CARE costs in the Total Rate Adjustment Component to be allocated to only non-CARE residential customers. D.14-01-002 found that the statute clearly holds that <i>all</i> CARE costs be allocated across all customer classes	<i>See D.14-01-002, at 49; see also D.14-01-002, Conclusions of Law 16-18</i>	
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B. Duplication of Effort (§§ 1801.3(f) & 1802.5):

	Claimant	CPUC Verified
a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?¹	Yes	Yes.
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Yes.
c. If so, provide name of other parties: ORA, CforAT, TURN, NCLC, Utility Consumers' Action Network (UCAN)/San Diego Consumers' Action Network (SDCAN)		Verified.
d. Intervenor's claim of non-duplication:		Verified.

¹ The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

Once the proceeding reached the briefing stage, Greenlining filed jointly with CforAT. Greenlining and CforAT did not duplicate work, as only one party drafted the briefs and the comments on the proposed decision.

Regarding the Basic Service Fee issue, SDG&E's proposal was opposed by Greenlining/CforAT, as well as ORA, SDCAN and TURN. The other parties focused on establishing that controlling statutes prohibited the BSF. However, in both its testimony and in briefing, Greenlining focused on policy issues in opposing the BSF, especially focusing on the large bill impacts on those customers who have low usage.

Regarding the Tier Consolidation issue, SDG&E's proposal was opposed by Greenlining/CforAT, as well as ORA and SDCAN. Again, Greenlining focused on bill impacts on customers with moderate usage.

Regarding the CARE Tier 3 rate cap, SDG&E's proposal was opposed by Greenlining/CforAT as well as ORA. ORA initially raised the issue and offered a counter-proposal, which Greenlining supported.

Regarding the Prepaid Service proposal, Greenlining filed comments jointly with NCLS, TURN and CforAT. Greenlining did not take the lead in drafting testimony and comments, but we did provide input. Additionally, SDCAN

<p>and the Joint Parties opposed the proposals.</p> <p>Regarding the CARE Cost Allocation, Greenlining did not address this issue until it became apparent that the Proposed Decision decided the issue incorrectly. Greenlining then provided statutory interpretation to demonstrate that all customer classes should pay for all CARE costs. This issue was opposed in testimony and briefing by ORA and TURN.</p>	
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PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§§ 1801 & 1806):

<p>a. Intervenor's claim of cost reasonableness</p> <p>Greenlining's main contributions to this proceeding, accounting for the majority of its hours, were to oppose the Basic Service Fee, the Tier Consolidation and the removal of the CARE Tier 3 rate cap (<i>See</i> Part II.A.1, Part II.A.2 and Part II.A.3 above).</p> <p>These issues are of greatest importance to the low-income and moderate-income customers who are Greenlining's constituents. These proposals would have disproportionate bill impacts on these customers. Collectively, these proposals could raise bills on such customers by \$5 per month, \$10 per month, or even more. These would be significant bill impacts on hundreds of thousands of customers.</p>	<p><u>CPUC Verified</u></p> <p>Verified.</p>
<p>b. Reasonableness of Hours Claimed.</p> <p>Greenlining staffed this proceeding with one experienced attorney (Enrique Gallardo). His experience with the Commission and with residential rate issues helped keep Greenlining's hours at a reasonable level.</p>	<p>Verified, <i>but see</i> CPUC Disallowances and Adjustments, below.</p>

Greenlining also narrowly focused the great majority of its hours on the issues of greatest importance to our interests – issues related to bill impacts on customers with low usage and moderate usage (the Basic Service Fee, the Tier Consolidation and the CARE Tier 3 Rate Cap).	
c. Allocation of Hours by Issue A. Basic Service Fee: SDG&E proposes a fixed charge 36% B. Tier Consolidation: proposal to consolidate Tiers 3 and 4 10% C. CARE Tier 3 Cap: proposal to eliminate cap on CARE Tier 3 7% D. Prepaid Service: SDG&E proposal for prepaid service 27% E. CARE Allocation: proposal to allocate part of CARE costs exclusively on non-CARE residential customers 9% F. General/Procedural 11%	Verified.

B. Specific Claim:

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2011	20.3	\$370	D.12-04-043	\$7,511	20.3	370.00	7,511.00
Enrique Gallardo	2012	70	\$380	D.14-02-036	\$26,600	70.0	380.00	26,600.00
Enrique Gallardo	2013	9.2	\$390	D.14-02-036	\$3,588	8.817 [1]	390.00	3438.63
Subtotal: \$ 37,699						Subtotal: \$ 37,549.63		

INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Enrique Gallardo	2014	12.8	\$200	See Attachment A	\$2,560	12.8	200.00 [2]	2,560.00
Subtotal: \$ 2,560						Subtotal: \$2,560.00		
COSTS								
#	Item	Detail			Amount	Amount		
		Costs Waived				00.00		
TOTAL REQUEST: \$ 40,259						TOTAL AWARD: \$40,109.63		
<p>*We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Claimant’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are compensated at ½ of preparer’s normal hourly rate.</p>								
Attorney		Date Admitted to CA BAR²		Member Number		Actions Affecting Eligibility (Yes/No?) If “Yes”, attach explanation		
Enrique Gallardo		December 9, 1997		191670		No.		

² This information may be obtained at: <http://www.calbar.ca.gov/>.

C. CPUC Disallowances and Adjustments

Item	Reason
[1]	Based on the Notices of <i>Ex Parte</i> Communication, filed by Greenlining, two conversations occurred on December 11 and December 13, 2013. The first conversation lasted 0.25 hours and the final conversation lasted 0.167 hours. The Greenlining Institute's timesheet claimed these conversations each lasted 0.4 hours. The award of compensation has been reduced, accordingly.
[2]	In Resolution ALJ-303, the Commission adopted a 2.58% cost-of-living adjustment (COLA) for work performed by intervenors in 2014. After applying this COLA to Gallardo's 2013 rate, and rounding to the nearest five-dollar increment, a rate of \$400 is set for Gallardo in 2014.

PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No.
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	Yes.

FINDINGS OF FACT

1. The Greenlining Institute has made a substantial contribution to D.14-01-002.
2. The requested hourly rates for The Greenlining Institute's representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$40,109.63.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. The Greenlining Institute is awarded \$40,109.63.
2. Within 30 days of the effective date of this decision, San Diego Gas & Electric Company shall pay Greenlining Institute the total award. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning June 7, 2014, the 75th day after the filing of Greenlining Institute's request, and continuing until full payment is made.
3. The comment period for today's decision is waived.

This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No.
Contribution Decision(s):	D1401002		
Proceeding(s):	A1110002		
Author:	ALJs Amy Yip-Kikugawa/Stephen C. Roscow		
Payer(s):	San Diego Gas & Electric Company		

Intervenor Information

Intervenor	Claim Date	Amount Requested	Amount Awarded	Multiplier ?	Reason Change/Disallowance
The Greenlining Institute	March 24, 2013	\$40,259	\$40,109.63	N/A	See CPUC Disallowances and Adjustments, above.

Advocate Information

First Name	Last Name	Type	Intervenor	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
Enrique	Gallardo	Attorney	The Greenlining Institute	\$370	2011	\$370.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$380	2012	\$380.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$390	2013	\$390.00
Enrique	Gallardo	Attorney	The Greenlining Institute	\$400	2014	\$400.00

(END OF APPENDIX)